

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5153

AN ORDINANCE determining the public advantage in vacating a portion of NE 1st Place between 102<sup>nd</sup> Avenue NE and 103<sup>rd</sup> Avenue NE, in the City of Bellevue, Washington, and vacating the same subject to certain conditions.

WHEREAS, the City Council did on May 3, 1999 pass Resolution No. 6321, fixing the time and place for a hearing to consider the vacation of a portion of NE 1<sup>st</sup> Place between 102<sup>nd</sup> Avenue NE and 103<sup>rd</sup> Avenue NE within the City of Bellevue, Washington, and gave notice of said hearing by posting and mailing in the manner required by law; and

WHEREAS, investigation was made as to the use of said street and the public interest served or damaged by change of such use by the vacation thereof; and

WHEREAS, a hearing was held upon the said petition on the 21st day of June, 1999, at the time and place fixed in said resolution and notice, and

WHEREAS, following said hearing the City Council, by motion found that the vacation of all or a portion of said street to the extent described in the petition therefore, would serve the public good, and directed staff to bring back an ordinance vacating such street or portion thereof; and

WHEREAS, said vacation also be subject to the reservation of necessary right-of-way and water, storm and sewer easements for existing utilities and subject also to payment of compensation by the respective abutting property owner in accordance with Section 14.35.130 of the Bellevue City Code; and

WHEREAS, upon payment of compensation by the respective abutting property owners in accordance with Section 14.35.130 of the Bellevue City Code and fulfillment of all other conditions established herein for such vacation, such street or a portion thereof shall be vacated and the City Manager or his designee is directed to execute a declaration of vacation consistent with this ordinance and record the same with the King County Office of Elections and Records and to take any other action necessary to vacate such streets or portions thereof; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The following portion of NE 1<sup>st</sup> Place between 102<sup>nd</sup> Avenue NE and 103<sup>rd</sup> Avenue NE is hereby vacated subject to the fulfillment of all conditions set forth in Section 2 of this ordinance:

Section 2. PROVIDED, however, the City of Bellevue reserves and establishes water, storm and sewer easements for existing utilities, and further PROVIDED, that the applicants provide recorded documents for the utility easement, and further PROVIDED, that the applicants provide a mid-block right-of-way connection including a pedestrian sidewalk and access easement between 103<sup>rd</sup> Ave NE and the alley way bordering the western boundary of Lot 15 at the northernmost twenty feet of Lot 15, and further

PROVIDED that the owner maintain current vehicular access until submittal and approval of a building permit for the adjacent property.

Section 3. The City Manager or his designee is directed to execute a declaration of vacation consistent with the provisions of this ordinance and to record the same with the King County Office of Elections and Records and to take any other action necessary to vacate such street or portion thereof upon evidence of satisfactory completion of all conditions of such vacation including but not limited to reservation of necessary public utility and walkway easements, payment of compensation to the extent and in the amount required by Section 14.35.130 of the Bellevue City Code or comparable compensation acceptable to the City and payment of all costs of acquisition services needed to convey title including the costs of final survey, appraisals, recording fees, escrow, title insurance, processing fees and any other costs related to the purchase of the property, except as otherwise agreed by the parties.

Section 4. The City Clerk is directed to record a certified copy of this ordinance with the Department of Records and Elections of King County.

Section 5. This Ordinance shall take effect and be in force five days after legal publication.

Passed by the City Council this 21st day of June, 1999, and signed in authentication of it passage this 21<sup>st</sup> day of June, 1999.

(SEAL)

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Mike Creighton, Mayor

Approved as to form:  
Richard L. Andrews, City Attorney

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Patrice C. Cole, Assistant City Attorney  
Attest:

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Myrna L. Basich, City Clerk  
Published June 25, 1999 \_\_\_\_\_